

Applicant : Thomas M. Kurth et al.  
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### REMARKS

Applicants appreciate the attention that the Examiner has given to this application in his November 10, 2003, Office Action and, by virtue of Applicants' amendment of claim 36 and the remarks below, Applicants believe the application to be in condition for allowance.

Reconsideration is requested.

Claims 50-52 and 36-66 were rejected under §112, second paragraph as indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, claims 50-52 have been rejected as having insufficient antecedent basis for the limitation "isocyanate" in the claim. Claims 36-66 have been rejected for failing to define the A-side component.

Claim 36 has been amended to correct the inadvertent typographical error that resulted in the omission of the phrase "comprising an isocyanate" after "A-side" in the claim. Consequently, Applicants believe antecedent basis now exists for the limitation "isocyanate" in claims 50-52 and that claims 36-66 are no longer indefinite as outlined in the Office Action. Thus, Applicants respectfully submit the grounds of rejection under §112, second paragraph, have been overcome, and that the rejections based on this section should be withdrawn.

Claims 36-66 and 76-81 have also been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of United States Patent No. 6,180,686; claims 1-61 of United States Patent No. 6,465,569; and claims 1-14 of United States Patent No. 6,624,244.

As suggested by the Examiner, Applicants have supplied a terminal disclaimer disclaiming the term beyond the term of United States Patent Nos. 6,180,686; 6,465,569; and 6,624,244. Accordingly, Applicants respectfully submit the grounds of rejection under obviousness-type double patenting have been overcome.

Claims 36, 45-55, 62, and 76-81 have also been rejected under §102(e) as anticipated by Shieh et al., U.S. Patent No. 6,133,329. Applicants have amended independent claims 36, 55, and 76 to require that the vegetable oil is a blown (oxidized) vegetable oil. A blown vegetable oil is not shown or suggested by Shieh et al. In fact, Shieh et al. teaches away from using a blown vegetable oil. Shieh et al. teaches the use of "natural" vegetable oils. Shieh et

al. also does not disclose the use of a prepolymer isocyanate and neither discloses nor suggests the presently claimed invention.

Claims 37, 41-44, 56, 60, 61, and 65 were also rejected under §103 as being unpatentable over Shieh et al. as applied to claims 36, 45-55, 62, and 76-81, and further in view of Chang, U.S. Patent No. 6,420,446. As discussed above, there is nothing in Shieh et al. that discloses or suggests the presently claimed invention. Accordingly, the rejection under §103 based upon Shieh et al. in view of Chang, should be withdrawn.

Finally, originally presented claims 38-40, 57-59, 63, 64 and 66 were rejected under §103 as being unpatentable over Shieh et al. as applied to claims 36, 45-55, 62, and 76-81 further in view of Baker et al., U.S. Patent No. 6,388,002. Applicants respectfully traverse this rejection.

The Examiner appears to be indicating that because Baker et al. discloses blown rapeseed oil, castor oil, coconut oil, and cottonseed oil in the art of “oil employment” that claims directed toward polyurethane materials (claims 36 and 76) and toward the reaction product of a blown vegetable oil and the reaction product of a first multifunctional alcohol and a second multifunctional alcohol compound are obvious in view of Shieh et al. Applicants respectfully disagree. First, as discussed earlier, Shieh et al. teaches away from the use of blown vegetable oil specifically teaching the use of natural oils. Accordingly, the combination of Shieh et al. and Baker et al. is not proper. Second, Baker et al. is not relevant to the present invention. Baker et al. is non-analogous art to Applicants’ presently claimed invention. Applicants’ presently claimed invention (claims 36 and 76) is directed toward polyurethane foams and elastomers, while Baker et al. is directed toward completely different art of a paint composition that includes a resin. Polyurethanes are mentioned as a resin, which can be used in Baker et al.’s invention. Therefore, for at least these reasons, the rejection under §103 based upon Shieh et al. in view of Baker et al. should be withdrawn.

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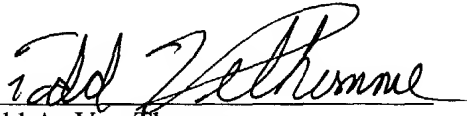
Reconsideration and withdrawal of the rejections based upon the prior art are believed to be in order and are courteously requested.

Respectfully Submitted,

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